

HOUSE BILL 213

C8, P2

2lr1395
CF SB 252

By: **Delegates Branch, McIntosh, Anderson, Clippinger, Glenn, Hammen,
McHale, Mitchell, Oaks, B. Robinson, and Washington**

Introduced and read first time: January 25, 2012

Assigned to: Economic Matters and Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Community Enhancement Transit-Oriented Development**
3 **Fund**

4 FOR the purpose of establishing the Baltimore City Community Enhancement
5 Transit-Oriented Development Fund for certain purposes; providing that the
6 Fund is a special, nonlapsing fund; providing for the contents and uses of the
7 Fund; requiring that a certain portion of certain revenues from certain projects
8 and certain other money be paid into the Fund; requiring the Comptroller to
9 pay certain money from the Fund to the Mayor and City Council of Baltimore
10 City in a certain manner; authorizing the Mayor and City Council to use or
11 make awards of money received from the Fund for certain purposes; requiring
12 the State Treasurer to invest the money in the Fund in a certain manner;
13 stating certain findings of the General Assembly; providing for the application
14 of this Act; providing for the purposes of certain provisions of this Act; defining
15 certain terms; and generally relating to the Baltimore City Community
16 Enhancement Transit-Oriented Development Fund.

17 BY repealing and reenacting, without amendments,
18 Article – Economic Development
19 Section 1–101(e)
20 Annotated Code of Maryland
21 (2008 Volume and 2011 Supplement)

22 BY adding to
23 Article – Economic Development
24 Section 15–101 through 15–107 to be under the new title “Title 15. Baltimore
25 City Community Enhancement Transit-Oriented Development Fund”
26 Annotated Code of Maryland
27 (2008 Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – State Finance and Procurement
3 Section 10–306
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2011 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Transportation
8 Section 7–101(m)
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2011 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Economic Development**

14 1–101.

15 (e) (1) “Qualified distressed county” means a county with:

16 (i) an average rate of unemployment for the most recent
17 24–month period for which data are available that exceeds 150% of the average rate of
18 unemployment for the State during that period; or

19 (ii) an average per capita personal income for the most recent
20 24–month period for which data are available that is equal to or less than 67% of the
21 average per capita personal income for the State during that period.

22 (2) “Qualified distressed county” includes a county that:

23 (i) no longer meets either criterion stated in paragraph (1) of
24 this subsection; but

25 (ii) has met at least one of the criteria at some time during the
26 preceding 24–month period.

27 **TITLE 15. BALTIMORE CITY COMMUNITY ENHANCEMENT TRANSIT–ORIENTED**
28 **DEVELOPMENT FUND.**

29 **15–101.**

30 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

1 **(B) “FINANCIAL ASSISTANCE” MEANS A GRANT OR LOAN FROM THE**
2 **FUND.**

3 **(C) “FUND” MEANS THE BALTIMORE CITY COMMUNITY ENHANCEMENT**
4 **TRANSIT-ORIENTED DEVELOPMENT FUND.**

5 **(D) “QUALIFIED PROJECT AREA” MEANS A COMMUNITY THAT IS:**

6 **(1) LOCATED IN BALTIMORE CITY; AND**

7 **(2) DIRECTLY IMPACTED BY AND WITHIN 0.5 MILES OF THE**
8 **BOUNDARY OF A DEVELOPMENT THAT HAS BEEN DESIGNATED AS A**
9 **TRANSIT-ORIENTED DEVELOPMENT.**

10 **(E) “QUALIFIED RECIPIENT” MEANS AN ENTITY THAT IS BASED IN AND**
11 **SERVES A QUALIFIED PROJECT AREA AND IS:**

12 **(1) A NOT FOR PROFIT COMMUNITY-BASED ORGANIZATION THAT**
13 **HAS EXPERIENCE IN MAKING PHYSICAL, HUMAN CAPITAL, AND ECONOMIC**
14 **INVESTMENTS TO REBUILD COMMUNITIES; OR**

15 **(2) A COMMUNITY DEVELOPMENT CORPORATION.**

16 **(F) “TRANSIT-ORIENTED DEVELOPMENT” HAS THE MEANING STATED**
17 **IN § 7-101 OF THE TRANSPORTATION ARTICLE.**

18 **15-102.**

19 **(A) THE GENERAL ASSEMBLY FINDS THAT:**

20 **(1) WHILE STATE AND PRIVATELY FUNDED TRANSIT-ORIENTED**
21 **DEVELOPMENT IS PARAMOUNT AND NECESSARY FOR THE ORDERLY ECONOMIC**
22 **DEVELOPMENT OF THE STATE, SUCH DEVELOPMENT SHOULD BE PURSUED IN A**
23 **MANNER THAT EXTENDS BENEFITS TO AND MINIMIZES NEGATIVE IMPACTS ON**
24 **THE COMMUNITIES IN AND ADJACENT TO THE DEVELOPMENT;**

25 **(2) IN ORDER TO PRESERVE AND ENHANCE THE STATE’S DIVERSE**
26 **CULTURAL FABRIC IN COMMUNITIES AFFECTED BY TRANSIT-ORIENTED**
27 **DEVELOPMENT, IT IS ESSENTIAL FOR THE PUBLIC AND PRIVATE SECTORS TO**
28 **COOPERATE IN DEVELOPING PARTNERSHIPS THAT AIM TO STABILIZE SUCH**
29 **COMMUNITIES;**

30 **(3) IT IS MOST FRUITFUL TO SEEK COMMUNITY INPUT AND**
31 **INVOLVEMENT FROM ORGANIZATIONS IN AREAS AFFECTED BY**

1 TRANSIT-ORIENTED DEVELOPMENT IN ORDER TO BEST ADDRESS THE
2 PHYSICAL, CULTURAL, AND ECONOMIC IMPACTS OF THE DEVELOPMENT; AND

3 (4) FOSTERING COMMUNITY-BASED INITIATIVES FOR
4 NEIGHBORHOOD STABILITY AND GROWTH IS IN THE PUBLIC INTEREST.

5 (B) THE PURPOSE OF THIS TITLE IS TO PROMOTE AND ASSIST
6 COMMUNITY-BASED INITIATIVES THAT ENHANCE NEIGHBORHOOD STABILITY
7 AND ECONOMIC GROWTH IN COMMUNITIES THAT ARE DIRECTLY IMPACTED BY
8 STATE- AND PRIVATELY FUNDED TRANSIT-ORIENTED DEVELOPMENT.

9 15-103.

10 THIS TITLE APPLIES ONLY IN BALTIMORE CITY.

11 15-104.

12 (A) THERE IS A BALTIMORE CITY COMMUNITY ENHANCEMENT
13 TRANSIT-ORIENTED DEVELOPMENT FUND.

14 (B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT
15 TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

16 15-105.

17 (A) THE PURPOSE OF THE FUND IS TO PROMOTE AND ASSIST
18 COMMUNITY-BASED INITIATIVES IN QUALIFIED PROJECT AREAS CONSISTENT
19 WITH THE PURPOSE OF THIS TITLE.

20 (B) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND
21 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

22 (C) (1) THE FUND CONSISTS OF:

23 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
24 FUND;

25 (II) PROCEEDS OF BONDS THAT ARE MADE AVAILABLE FOR
26 THE USE OF THE FUND, INCLUDING GENERAL OBLIGATION BONDS AND GRANT
27 ANTICIPATION REVENUE VEHICLES;

28 (III) MONEY MADE AVAILABLE FOR QUALIFYING USES BY THE
29 FUND FROM OTHER GOVERNMENTAL SOURCES, INCLUDING COMMUNITY

1 DEVELOPMENT BLOCK GRANTS AND THE MARYLAND TRANSPORTATION TRUST
2 FUND;

3 (IV) CONTRIBUTIONS TO THE FUND MADE BY THE PRIVATE
4 DEVELOPERS OF THE RELEVANT TRANSIT-ORIENTED DEVELOPMENT;

5 (V) GROUND RENTS OR LAND SALE PROCEEDS IN
6 ACCORDANCE WITH § 10-306(C)(1) OF THE STATE FINANCE AND
7 PROCUREMENT ARTICLE;

8 (VI) PAYMENTS OF PRINCIPAL OF AND INTEREST ON LOANS
9 MADE UNDER THIS TITLE;

10 (VII) INVESTMENT EARNINGS OF THE FUND; AND

11 (VIII) ANY OTHER MONEY FROM ANY OTHER SOURCE, PUBLIC
12 OR PRIVATE, ACCEPTED FOR THE BENEFIT OF THE FUND.

13 (2) CONTRIBUTIONS TO THE FUND UNDER PARAGRAPH (1)(IV) OF
14 THIS SUBSECTION SHALL BE SEPARATELY ACCOUNTED FOR IN THE FUND SO
15 THAT THE REVENUE DERIVED FROM A DEVELOPMENT IN A PARTICULAR
16 QUALIFIED PROJECT AREA SHALL RETURN TO A QUALIFIED RECIPIENT IN THAT
17 QUALIFIED PROJECT AREA.

18 (3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
19 COMPTROLLER SHALL:

20 (I) PAY MONEY IN THE FUND IN ANNUAL INSTALLMENTS TO
21 THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY; AND

22 (II) ENSURE THAT THE MONEY IN THE FUND IS
23 DISTRIBUTED IN THE MANNER THAT BEST ACCOMPLISHES THE PURPOSE OF
24 THE FUND UNDER THIS TITLE.

25 15-106.

26 THE FUND MAY BE USED BY THE MAYOR AND CITY COUNCIL OF
27 BALTIMORE CITY OR AWARDED TO A QUALIFIED RECIPIENT BY THE MAYOR
28 AND CITY COUNCIL ONLY FOR:

29 (1) OPERATING SUPPORT FOR OR BUILDING THE CAPACITY OF
30 QUALIFIED RECIPIENTS;

1 **(2) ECONOMIC AND PHYSICAL IMPROVEMENTS TO THE**
2 **COMMUNITY THROUGH PROJECTS THAT REINVEST IN AND REVITALIZE THE**
3 **COMMUNITY;**

4 **(3) THE DEVELOPMENT OF WOMEN-OWNED, MINORITY-OWNED,**
5 **AND SMALL BUSINESSES;**

6 **(4) THE DEVELOPMENT OF RECREATIONAL FACILITIES, PARKS,**
7 **OR IMPROVEMENTS TO THE NATURAL ENVIRONMENT;**

8 **(5) THE DEVELOPMENT AND PRESERVATION OF AFFORDABLE**
9 **AND WORKPLACE HOUSING;**

10 **(6) EXPANSION OF SCHOOL PROGRAMS AND CAPITAL**
11 **IMPROVEMENTS TO SCHOOL FACILITIES THAT SERVE THE AREA;**

12 **(7) JOB TRAINING AND WORKFORCE DEVELOPMENT; OR**

13 **(8) COUNSELING FOR HOUSING AND SMALL BUSINESS**
14 **DEVELOPMENT.**

15 **15-107.**

16 **(A) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND**
17 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

18 **(B) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO**
19 **THE FUND.**

20 **Article – State Finance and Procurement**

21 **10-306.**

22 (a) In this section, “capital asset” means an asset of a substantial permanent
23 nature.

24 (b) If the consideration received for the disposition of any real or personal
25 property of the State or any unit of the State government is other real or personal
26 property, the real or personal property received shall be held and accounted for in the
27 same manner as other property under the jurisdiction and control of the unit of the
28 State government that receives the real or personal property.

29 (c) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)**
30 **of this subsection, if cash is received as consideration for the disposition of a capital**
31 **asset of the State or any unit of the State government, the cash shall be applied to the**

1 State Annuity Bond Fund Account for the payment of the principal of and interest on
2 the bonded indebtedness of the State.

3 **(2) IF THE CAPITAL ASSET IS REAL PROPERTY THAT IS BEING**
4 **LEASED OR SOLD TO A PRIVATE PARTY FOR THE PURPOSE OF REALIZING A**
5 **TRANSIT-ORIENTED DEVELOPMENT AS DEFINED UNDER § 7-101 OF THE**
6 **TRANSPORTATION ARTICLE, AT THE DISCRETION OF THE STATE AGENCY THAT**
7 **IS DISPOSING OF THE PROPERTY, ALL OR A PORTION OF THE CASH PROCEEDS**
8 **RESULTING FROM THE TRANSACTION SHALL BE DEPOSITED IN THE BALTIMORE**
9 **CITY COMMUNITY ENHANCEMENT TRANSIT-ORIENTED DEVELOPMENT FUND**
10 **ESTABLISHED UNDER TITLE 15 OF THE ECONOMIC DEVELOPMENT ARTICLE**
11 **FOR THE PURPOSES OF THAT FUND.**

12 **[(2)] (3)** (i) If cash is received as consideration for the disposition
13 of a capital asset, and if the capital asset was originally purchased with special funds,
14 the cash shall be applied to the special fund.

15 (ii) Notwithstanding subparagraph (i) of this paragraph, cash
16 received as consideration for the disposition of helicopters, auxiliary helicopter
17 equipment, ground support equipment, or other capital equipment related to
18 helicopters shall be applied to the State Annuity Bond Fund Account for the payment
19 of the principal of and interest on the bonded indebtedness of the State.

20 **[(3)] (4)** If cash is received as consideration for the disposition of any
21 real or personal property of the State or any unit of the State government, other than
22 a capital asset, the cash shall be accounted for and paid into the State Treasury.

23 **Article – Transportation**

24 7-101.

25 (m) “Transit-oriented development” means a mix of private or public parking
26 facilities, commercial and residential structures, and uses, improvements, and
27 facilities customarily appurtenant to such facilities and uses, that:

28 (1) Is part of a deliberate development plan or strategy involving:

29 (i) Property that is adjacent to the passenger boarding and
30 alighting location of a planned or existing transit station; or

31 (ii) Property, any part of which is located within one-half mile
32 of the passenger boarding and alighting location of a planned or existing transit
33 station;

34 (2) Is planned to maximize the use of transit, walking, and bicycling
35 by residents and employees; and

1 (3) Is designated as a transit-oriented development by:

2 (i) The Secretary, after considering a recommendation of the
3 Smart Growth Subcabinet established under § 9-1406 of the State Government
4 Article; and

5 (ii) The local government or multicounty agency with land use
6 and planning responsibility for the relevant area.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2012.